THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22043 of 2006

Dated: 26-10-2006

Between:

Putha Chandra Sekhar Reddy and another.

..... PETITIONERS

AND

The State of Andhra Pradesh, rep. by its District Collector,
Kadapa, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22043 of 2006

ORDER:

The petitioners filed this writ petition seeking a writ of Mandamus declaring the action of the respondents in interfering with their right, title and possession of the land admeasuring Acs.6.36 cents in survey No.116/2 situated at Utukuru Village, Chintakommadinne Mandal in Kadapa District, as illegal and arbitrary.

It is the case of the petitioners that the subject land originally belonged to one Boosam Venkateswarlu, who executed registered gift settlement deeds and the settlees sold the land to others. The petitioners purchased the land under registered sale deeds from those purchasers in 2005. While so, the District Collector issued Circular dated 09-10-2006 directing the Mandal Revenue Officers of Kadapa, Chennur, Kazipet, Pendlimarri, C.K. Dinne and Vallur (i) to take necessary steps for resumption of the assigned lands to the Government under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and (ii) to display Boards near such lands allegedly belong to the Government to the effect that all the registrations done in respect of such lands are invalid. The petitioners allege that emboldened by the said Circular issued by the District Collector, the respondents are interfering with the possession of the petitioners and are trying to implement the orders of the District Collector in the said Circular. Apprehending coercive dispossession pursuant to said Circular, the present writ petition is filed.

At the stage of preliminary hearing the learned Assistant Government Pleader for Revenue (General-T) submits that the writ petition is filed on mere apprehension and that the respondents never interfered with the possession of the petitioners. The same is recorded. This Court also observes that as the petitioners have purchased the property under registered sale deeds and if the Government claims the land in possession of the petitioners, the remedies of the Government are to file a suit or to take action under the provisions of the Andhra Pradesh Land Encroachment Act, 1905, or the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, and in case the land is assigned land take necessary steps under the provisions of the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

V.V.S.RAO, J

26th October, 2006

Note:
Issue CC by 30-10-2006
B/o
ghn